

**FILED**

JUL 23 2003

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT WESTERN DIST. OF OKLA.  
BY                      DEPUTY

In re Pre-Paid Legal Services, Inc.  
Litigation II

)  
)  
) Master Docket  
) No. CIV-02-273-C  
)

**ORDER**

In conjunction with their Motion to Dismiss, Defendants filed a Motion to Strike Class Allegations from First Amended Class Action Complaint. Dkt. # 33. Plaintiffs have responded.

Fed. R. Civ. P. 12(f) provides, “the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” Accordingly, Defendants argue that Plaintiffs’ class allegations are so deficient that they should be stricken. Although other courts have struck class allegations at this stage, the Court agrees with Plaintiffs that it is preferable to address whether a class action is maintainable under Fed. R. Civ. P. 23 after benefit of full briefing and consideration of the certification issue. See Gen. Tel. Co. of the Southwest v. Falcon, 457 U.S. 147, 161 (1982) (explaining that certification requires the court to conduct a “rigorous analysis” to determine whether the prerequisites of Rule 23 are satisfied). This decision is further supported by the Court’s recent discussion of Defendants’ conflict of interest and individual reliance arguments in the context of their motion to dismiss.

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Therefore, Defendants' Motion to Strike Class Allegations from First Amended Class Action Complaint (Dkt. # 33) is DENIED. Plaintiffs are reminded that they are to file a motion for class certification within 60 days of Defendants' answer. See Order, Dkt. # 25.

IT IS SO ORDERED this 23<sup>rd</sup> day of July, 2003.

A handwritten signature in black ink, appearing to read "Robin J. Cauthron", written over a horizontal line.

ROBIN J. CAUTHRON  
CHIEF UNITED STATES DISTRICT JUDGE